

AN ACT

RELATING TO WATER; PROVIDING FOR A COMPREHENSIVE STATE WATER PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 72, Article 14 NMSA 1978 is enacted to read:

"STATE WATER PLAN--PURPOSE--CONTENTS.--

A. It is the intent of the legislature that the interstate stream commission, in collaboration with the office of the state engineer and the water trust board, prepare and implement a comprehensive state water plan.

B. The state water plan shall be a strategic management tool for the purposes of:

- (1) promoting stewardship of the state's water resources;
  - (2) protecting and maintaining water rights and their priority status;
  - (3) protecting the diverse customs, culture, environment and economic stability of the state;
  - (4) protecting both the water supply and water quality;
  - (5) promoting cooperative strategies, based on concern for meeting the basic needs of all New Mexicans;
  - (6) meeting the state's interstate compact obligations;
  - (7) providing a basis for prioritizing infrastructure investment;
- and
- (8) providing statewide continuity of policy and management

relative to our water resources.

C. The interstate stream commission in collaboration with the office of the state engineer, and in consultation with other government agencies as appropriate, shall develop a comprehensive, coordinated state water plan that shall:

- (1) identify and reflect the common priorities, goals and objectives that will have a positive impact on the public welfare of the state;
- (2) establish a clear vision and policy direction for active management of the state's waters;
- (3) include an inventory of the quantity and quality of the state's water resources, population projections and other water resource demands under a range of conditions;
- (4) include water budgets for the state and for all major river basins and aquifer systems in the state;
- (5) develop water conservation strategies and policies to maximize beneficial use, including reuse and recycling by conjunctive management of water resources and by doing so to promote nonforfeiture of water rights;
- (6) include a drought management plan designed to address drought emergencies, promote strategies for prevention of drought-related emergencies in the future and coordinate drought planning statewide;
- (7) recognize the relationship between water availability and land-use decisions;
- (8) promote river riparian and watershed restoration that focuses on protecting the water supply, improving water quality and complying with federal Endangered Species Act of 1973 mandates;

(9) consider water rights transfer policies that balance the need to protect the customs, culture, environment and economic health and stability of the state's diverse communities while providing for timely and efficient transfers of water between uses to meet both short-term shortages and long-term economic development needs;

(10) promote strategies and mechanisms for achieving coordination with all levels of government;

(11) integrate regional water plans into the state water plan as appropriate and consistent with state water plan policies and strategies;

(12) integrate plans of water supply purveyors, including those of local governments, privately owned public utilities, associations, cooperatives, irrigation districts and acequias as appropriate and consistent with state water plan policies and strategies, as those plans are completed and submitted to the office of the state engineer;

(13) identify water-related infrastructure and management investment needs and opportunities to leverage federal and other funding; and

(14) promote collaboration with and strategic focusing of the research and development of the state's national laboratories and research institutions to address the state's water challenges and to bring to the state demonstration projects in desalination, conservation, watershed restoration, weather modification and other technological approaches to enhancing water supply and management.

D. Recognizing that complete water rights adjudication, measurement, well inventories and adequate databases are essential elements of an effective water management plan, and further recognizing that completion of these work elements will

require substantial time and resources until such time as these elements are complete,  
the state water plan shall include work plans and strategies for:

(1) completion of water rights adjudications, with required supporting documentation, including hydrographic surveys, aquifer mapping and aerial mapping of irrigated land;

(2) creation and completion of a comprehensive database and an electronically accessible information system on the state's water resources and water rights, including file abstraction and imaging of paper files as well as information on pending adjudications;

(3) measuring of surface and ground water uses in the state as necessary for management of the state's water resources; and

(4) taking inventory of existing water wells and determining appropriate disposition of unused wells.

E. The interstate stream commission and the office of the state engineer shall consult directly with the governments of Indian nations, tribes and pueblos to formulate a statement of policy and process to guide:

(1) coordination or integration of the water plans of Indian nations, tribes and pueblos located wholly or partially within New Mexico with the state water plan; and

(2) final adjudication or settlement of all water rights claims by Indian nations, tribes and pueblos located wholly or partially within New Mexico.

F. The interstate stream commission shall ensure that public participation and public input are integrated throughout the planning process. The interstate stream commission shall convene water planners and stakeholders from

H  
A  
G  
C  
/  
H  
B  
2  
6  
0  
P  
a  
g  
e  
4

diverse constituencies to advise it and the office of the state engineer on the state water plan, including statewide policies, priorities, goals and objectives for the plan, issues of statewide concern and strategies for implementation of the plan. The interstate stream commission shall also ensure that representatives of the stakeholder groups affected by various plan components will participate in the development of those plan components. Members of the interstate stream commission and water trust board shall be notified of and are welcome to participate in all aspects of the planning process.

H  
A  
G  
C  
/  
H  
B  
2  
6  
0  
P  
a  
g  
e  
5

G. After public review and comment, the state water plan developed in conformance with this section is subject to adoption by the interstate stream commission. Following its adoption, the state water plan shall be presented to the interim legislative committee that studies water and natural resources.

H. The state water plan shall be periodically reviewed, updated and amended in response to changing conditions. At a minimum a review shall be undertaken every five years.

I. Nothing in the state water plan shall be construed to permit the granting or the condemnation of water rights.

J. Nothing in the state water plan shall be construed to determine, abridge or affect the water rights of Indian nations, tribes or pueblos."

Section 2. A new section of the Water Project Finance Act is enacted to read:

"IMPLEMENTATION OF STATE WATER PLAN.--

A. The board, in conformance with the state water plan and pursuant to the provisions of the Water Project Finance Act, shall prioritize the planning and financing of water projects required to implement the plan.

B. The board shall identify opportunities to leverage federal and other funding.

C. The board shall utilize the resources of its member agencies and entities whenever possible in implementing the state water plan.”

H  
A  
G  
C  
/  
H  
B  
  
2  
6  
0  
P  
a  
g  
e

HAGC/HB 260

6

**Page 6**